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State of Ireland.

In the last Number of the Edinburgh Review, there is an able and highly interesting article on the State of Ireland generally, and on the oppressive mode of enforcing the Distillery Laws in that country more particularly. Unattractive as the title to this article would seem at first sight, professing to be merely a Review of three Pamphlets written on the subjects of the "Irish Distillery Laws," neither of which have probably reached this country, we were induced to go through it, and have risen from the perusal of the whole with so much new, though it must be confessed, painful information, on the State of the Sister-Kingdom, that we have thought we should be rendering an acceptable service to such of our readers as feel any interest in the welfare of that portion of the British empire, and these we are sure must form a large majority, in presenting the article at length to their notice.

We have risen from the perusal of these pamphlets with very painful impressions. The facts they disclose would have excited our compassion and indignation, though they had occurred in a foreign land: And it is really lamentable to think how little the state of Ireland is known and considered in this country;—with how dull an ear her complaints are heard, and how slow a hand is stretched out to her relief. The public mind, indeed, has, for some time past, been alive to the larger questions that involve her welfare; but most people have no more knowledge or care about the details of her government, than about those of the Russian. What is worse, the Legislature itself is not altogether exempt from this indifference; so that, where the power of remedy exists, she often finds her grievances unrelieved. Into the causes of this apathy towards Ireland, it is not now our intention to enter. It is one of the results of that fatal policy, which, by treating her more as a conquered province than a sister kingdom, has long fomented the seeds of division and hostility, and prevented the growth of those sentiments of common interest and mutual affection which form the true and natural bond of union among the subjects of one empire. We flatter ourselves, however, that there are some recent symptoms of amendment in these respects; and we are sure, that its necessity cannot be better demonstrated, than by briefly stating the substance of the papers before us.

They relate to the measures that have been adopted during the last twenty years, for the suppression of the illicit distillation which has prevailed in the northern and western, and some of the central counties of Ireland. Had those measures been censurable only as inadequate to prevent fraud against the revenue, we should have felt ourselves scarce justified in canvassing them here. But their inefficiency is the least ground of objection;—they are conceived in the very spirit of injustice; they visit, with heavy and indiscriminate penalties, the innocent and guilty; they are of such a nature, that the civil power, without the aid of the military, is unequal to their execution; they would terminate in the ruin of the districts where they are enforced, but that the excess of their rigour necessitates their occasional suspension; they destroy the morals of the people, and alienate their affections from Government, by exposing them to a mode and measure of punishment unknown to the happier and better ordered parts of the kingdom.

As it is not unadvisedly, or without reflection, that we have thus characterized the branch of the revenue laws to which we allude, we imagine the subject, though in some measure it may appear of a local and confined interest, to be unquestionably worthy of general attention. In the first place, we own ourselves to be deeply concerned for the numbers who suffer under these laws, and who have little chance of obtaining redress, till their situation is understood upon this side of the Channel. In the next place, we shall find in them a practical and living illustration of the manner in which the domestic government of Ireland is too often conducted. Participating, as she does, in the British constitution, we easily suppose, that its spirit must be everywhere visible in her administration. Nothing can be more natural than this opinion. Unfortunately, it is erroneous. The principles, from the confirmed ascendancy of which we enjoy so much confidence and repose, exert as yet but an irregular and unsteady influence in Ireland. She daily suffers under measures of severity and harshness, which would be intolerable here. Some of them may occasionally be rendered necessary, by the greater insubordination of her people; but they frequently proceed from the impatience of her rulers, resorting to coercion as the shortest method, and attempting to do at once, and by violence, a work, it may be of improvement, but which time alone can effect, and a gradual well-directed change in national sentiments and habits. General complaints, besides that their vagueness lessens their effect, are easily met by denial, or charged with inaccuracy and exaggeration. But it is more difficult to deal with specific facts, which not only admit nothing short of a direct and decisive answer, but furnish surer and more striking conclusions. The character of the Government may be judged of, by the prevalence of particular measures, just as that of an individual may be estimated by his conduct on

particular occasions. Of course it were unjust, in either case, to extend the inference too far; but if the measures or the conduct be glaringly and unequivocally unjust and oppressive, we may be sure that there is something not quite right at heart. In the third place, we can scarcely imagine a more forcible example of the impossibility that good government should exist where the Legislature is not identified in interest and feeling with the people. This has never been the case in Ireland. Various causes contributed to prevent it before the Union. Some of these, particularly a difference of religion, have continued since. To which it must now be added, that she is governed by a Legislature, many members of whom are strangers to her interests and situation, are in no respect affected by the peculiar laws enacted upon her account,—and therefore are led, by considerations of convenience, or a slight show of expediency, to confer powers, which nothing but absolute necessity would be thought to justify in England. If they are thus lightly granted, they are likely to be freely used. The same circumstances which caused them to be bestowed without scruple, diminish the responsibility attached to their exercise.

There is no great difficulty, as it appears to us, in fully understanding the general merits of the system pursued for the suppression of illicit distillation; nor is it at all necessary to go into the intricacies and contradictions of the Excise laws. It is quite clear, that there can be no better subject of taxation than distilled spirits, which form a luxury of very general consumption. The higher, too, it is practicable to raise the duty, so much the more advantageous; because, while the same revenue is yielded, the increase of price will withdraw the commodity in some degree from those classes in which its use is most liable to dangerous and immoral excess. But however advisable, it may appear to derive the same revenue from a higher duty on a smaller quantity of spirits, many obstacles present themselves to the accomplishment of this purpose. In particular, a competition is instantly excited between the legal and illegal distiller, the duty imposed on the former, operating as a bounty to the latter. This, however, is not all. To facilitate the collection of the revenue, various means are adopted to throw the distillation into the hands of large capitalists; and as, in such a manufacture, there are great facilities and strong inducements to commit fraud, the manufacturer is not allowed to work up the raw produce in his own way, and in the manner best calculated to ensure its sale; but every step of the process is put under statutory rules, which, it may easily be conceived, are not calculated to produce a marketable commodity. It will be found, accordingly, to be an almost invariable fact, that legal spirits, whether from the mode of distillation, or from the materials used, are not an object of preference, but generally of distaste, 'Parliament whisky' being a common term for a nauseous and deleterious spirit. The legal distiller, who thus produces at a high price an unpalatable article, has no protection but the monopoly which the law confers on him. This monopoly, however, it is impossible to maintain, in opposition to the tastes and habits of a great part of the community, who have neither power nor inclination to purchase the legal spirit, but who are willing to pay the illicit distiller a profit, which in general is sufficient to make up for the hazard he incurs from the penalties of law. In a country, indeed, thickly peopled, of orderly habits, and under a well organized police, and without the retirement and command of fuel which illicit distillation requires, the legal manufacturer may be in a great measure made secure of his market, and protected by the activity and vigilance of Revenue officers, from the competition of spirits which have not been regularly charged with duty. The case, however, is evidently quite different in a waste and mountainous country, like the Highlands of Scotland, and very extensive tracts in the northern and western parts of Ireland. These uncultivated and inaccessible districts, abounding with water and fuel, give every encouragement to illicit distillation; the more especially, as the capital required is small, and the sale of the spirits produces a quick return in money, while the profit, in the present state of the law, is generally sufficient to compensate the loss by seizures, and the personal danger to which delinquents are exposed. As the illegal distiller can afford to pay a considerable price for the scanty crops of barley which are grown in these districts, and for which in fact there is often no other competitor in the market, it is natural, and indeed almost certain, that he will be encouraged by the smaller tenants, who, on the one hand, sell their produce advantageously, and, upon the other, receive the commodity they are in want of.

From all these causes it could not fail to result, that when, about thirty-five years ago, the Irish distillery laws were assimilated to those of Britain, the small stills, indirectly at least suppressed, and the manufacture placed in the hands of the great capitalists, under burden of heavy duties, illicit distillation should begin to prevail in Ireland, in its more mountainous and deserted districts, to a very formidable extent. In 1807, the Commissioners appointed to inquire generally into the fees, &c. of public offices in Ireland, in their report upon the Excise, calculated upon what they thought reasonable data, that one-third part of the spirits consumed in Ireland, was illegally distilled. The injury to the revenue was consequently great. The

pernicious effects upon the people were still more to be lamented. These were not only the increase of drunkenness, from the abundance of spirits, but the disorderly and profligate habits, the destruction of industry, and contempt of authority, which, sooner or later, mark the character of the smuggler. Such a wide-spread and alarming evil very early called the attention of Government; and, in the consideration of its causes, the true means of its correction might have been discovered. A reduction of the duty, by diminishing the profit of the illicit distiller, would have removed much of the temptation which led him to defy the menaces of the law. Then, by encouraging the smaller capitalists, partly by enabling them to distil at greater advantage; and partly by establishing a ware-housing system, which admitted of the spirits being stored, and the duty remaining unpaid, till they were thrown into the market for consumption, he would not only have been met in the general market, by a spirit of the same quality with his own, and adapted to the taste, natural or acquired, of the country; but he would have been opposed by a powerful and active enemy, in the very district of his manufacture, which easily allowed the establishment of smaller Still. The legal manufacturers having the strongest interest to put down illicit distillation, would have afforded the most strenuous assistance to the revenue officers;—while, on the other hand, by purchasing the barley from the poorer tenants, they would have destroyed that natural alliance which the mutual wants of each tended to establish between the latter and the illegal distillers. It is quite true, that in spite of all these precautions, smuggling would have prevailed to some, perhaps even a considerable, extent. But, in the mountains and bogs of Ireland, it is an evil indigenous, the growth of which may be checked, but which never can be eradicated. Though legal whisky too, would have become more abundant; still the price of spirits, generally, would not have been lower; for what was gained in the one way, would have been removed in the other; so that there could have been no undue encouragement for consumption. No doubt, too, the increase of small Stills, and a diffusion, as it were, of the manufacture over a larger space, might have increased the expense of collection, and multiplied the opportunities of fraud. But, if the system had been digested with tolerable skill, the revenue would have been a gainer on the whole; and, in a question of this sort, it is not the actual, but the relative loss that is of importance. Some revenue is better than none at all.

Instead, however, of attempting to alter the system of distillery laws as borrowed from England, and adopting a new one better fitted to the circumstances of the country;—instead of the preventive remedy which is always the most advisable when it can be used,—the Government of Ireland resolved to suppress illicit distillation by violent means, and to counteract, by the vengeance of the law, a crime, the temptations to which were left unimpaired. Besides the penalties inflicted on delinquents, including transportation for seven years, and all the extraordinary powers vested in the officers of Excise,—the expedient was resorted to, of imposing a heavy fine upon every parish in which an unlicensed Still should be found. This was the plan of the earlier acts, but afterwards, by the 45th and 46th of the King, the town-lands as well as the parishes, were made liable in a penalty of 50*l.*, which, in the subsequent year, was made exigible for every unlicensed Still, or part of, or appendage to a Still, or worm or utensil for distilling, or for wash or pot ale, or low wine or singlings, found within the town-land or parish. This fine, in 1809, was raised to 100*l.* Sterling. It was, in 1810, declared, that no fines should be inflicted till the assizes 1812; and levy of the arrears was suspended. In 1812 the system was abrogated entirely. But, in 1813, it was revived; and, by a statute passed in that and the subsequent year, the penalties were imposed on town-lands, quarter-lands, manors, and lordships, &c.; for the first offence, as it was called, 25*l.*; for the second 40*l.*; and for the third 60*l.* The law, in this respect, appears to have remained the same. One half of those fines are given by statute to the excise officer informing, who is declared to be a sufficient witness. There is no defence against the fine, unless the defendant can traverse the fact of the articles being found, or establish, what is evidently hopeless, that they were left for the collusive purpose of subjecting him to the statute. The most perfect good faith is of no avail in his defence. He is liable to the penalties, though he devoted his whole time, night and day, to the detection of illicit distillers, and the destruction of their trade. As to the mode of levying the fine, Mr. Chichester observes.

‘After a fine has been imposed, the inhabitants are required to apportion themselves their respective proportions of it; and, in case of omission, the exciseman is authorized to obtain the amount, by taking it from any person residing within the district. The time granted for assessing it is thirty days from the date of the imposition of the fine;’ but, in the mean time, the inhabitants are kept in profound ignorance of the want of the information against them. The apportionment, therefore, does not take place; and the exciseman generally levies the fine with a degree of oppression and violence, punishable with death, were it not legalized by this extraordinary statute. In most cases, it is usual to notify the decisions of Courts of Justice to those persons against whom judgment has been given; but, in cases of fines for illicit distillation, such a proceeding would deform the symmetry of the law, by giving it a solitary point of resemblance to the British Constitution.

‘Another anomaly in this law is, the extreme difficulty in taking defence against information for a Still fine. The purse of the nation pays the expenses of the informants; but the poor peasants have no public treasury in which they can draw. When they succeed in defeating the information they are not enabled to recover their costs of the opposite party. The various expenses which they incur by defending themselves, amount at least to seven pounds, which constitute in themselves a heavy fine; and thus the wretched people (a great proportion of whom are ignorant) are compelled to let judgement go against them by default, and are inevitably destroyed by the double-edged sword of the law.’ 1st Letter, p. 11.

Under these statutes, during the course of seven years, fines have been imposed to the amount of 354,925*l.*—or 50,999*l.* a-year. Upon the county of Tyrone, the fines amounted to 26,825*l.*, which Sir John Stewart Bart. M. P., in his evidence before the Committee of the House of Commons in 1816 (p. 37,) proves to have been levied. In the county of Donegal, the fines from summer 1809 to summer 1816, amounted to 72,540*l.* It does not appear, that the levy in that county was as complete as in Tyrone; but, when it is considered, that half the fines were given by the statute to the Revenue officers, we may believe, and we shall immediately see, that they did not neglect their exaction.

Having given this glimpse of the extent to which these statutes have been enforced, it is worth while to inquire for a moment, upon what principle a parish or town-land is liable to be amerced, and the goods of all or any of the inhabitants carried off by distress, because a Still, or part of a still, has been found in it. If the law rest on a presumption that the inhabitants of the town-land or parish are accessory to the crime of illicit distillation, nothing can be more unreasonable or absurd. Even in that case, the fact of accession should be proved. But in truth, there is not the slightest pretence for supposing such a general accession as can warrant the sweeping and indiscriminate application of a penal statute. With respect to the gentlemen of the country, suspicion is altogether out of question, independently of the resolution of the Committee in 1816, that illicit distillation was injurious to agriculture. It seems to be hinted by those who support the measures of Excise, that the smaller farmers, who find a profitable market for their barley, give all encouragement to the illicit distillers, and, through the price which they obtain, participate in the crime and its profits. It is obvious, however, that the farmers would be much better pleased to sell their corn to the licensed manufacturer, who must always afford a steadier and a securer market; so that the establishment of small Stills, or, in other words, the transference of the trade into the hands of small capitalists, would do away this imputation. But, whatever truth there may be in it, and probably the small farmers do not scruple to sell to distillers for a higher ready-money price than they can elsewhere obtain, it is quite evident, that this never can amount, in the view of common sense or of law, to any thing like accession to the criminal practices which these penalties are intended to put down. Far from any community of guilt, there is, in many instances, not the slightest connivance; and people suffer under these statutes, who are not only innocent of the offence for which the penalty is imposed, but who, till their goods are distrained, were totally ignorant of it. Parishes in Ireland, we are informed, are generally four or five times larger than those in England; and, in the mountainous parts of the country, still more extensive (First Letter, p. 8.) Town-lands, in the mountainous districts, sometimes extend to a thousand, or fifteen hundred, or two thousand acres; and are occasionally three miles long.* Over this space the inhabitants do not live scattered, so as to have many points of observation, but generally in villages, and small clusters of houses. All the respectable evidence before the Committee coincides in stating, what indeed is obviously true, that it is impossible the inhabitants in general, if attending their usual occupations, can have any knowledge of what is going forward in an opposite quarter of the parish or town-land. This would be true, though distillation were openly carried on. But the work is usually conducted at night, and with so much art, that detection is a matter of great difficulty. Thus, Arthur Chichester, Esq. M. P. states in his evidence, ‘That he has been within twenty yards of a Still, without discovering it, and probably would not have discovered it, if it had not been pointed out as he came upon it accidentally. In those trackless mountains, on the bank of a deep river, they are frequently constructed with green sod.’ He adds, that in the town-land of his own residence, an illegal Still might be erected without discovery. It were needless to give much more evidence to the same effect; and we shall only refer to that of James Daly, Esq. M. P. who declares his opinion, that Stills may be worked, and be scarcely perceivable. He adds, I myself, when shooting, have trod upon the top of a Still before I knew there was one there at all. It being then at work! Three or four I have known the same way. I don’t mean to say, that there is no sort of smoke; but you would hardly perceive it, as the people use small little pots.’—Minutes of Evidence, p. 27.

With these facts before us, there is plainly no ground for the supposition, that the whole inhabitants of the country are engaged in one system of criminal connivance, and justly obnoxious to severe inflictions without any difference of individuals, or any investigation of particular guilt.

But to show at once the absolute disregard of justice which pervades every part of these enactments, it is enough to mention, that no provision is made for the case of absentees. The estate of a proprietor not resident is equally subject to the penalties. Fines were imposed upon Colonel Barry, and upon Mr. Stewart, when both these gentlemen were attending their duty in Parliament.† There is no provision made for the case of sickness.‡ Sir John Stewart’s estate was fined for a Still set up while he laboured under fever. There is no provision for minority. There is no protection afforded for the widow or the orphan. All classes are equally included. The penalty falls just as chance directs it; for the framers of these laws bind the eyes of justice, and forget that she bears the balance as well as the sword,—to weigh before she strikes.

It is vain, indeed, to look for any principle upon which such enactments can be vindicated. The fact is, when fairly avowed, that their object is to force the people, by the most violent compulsion, into a general combination

* Minutes of Evidence before the Committee of 1816, pp. 10, 28, and 40,

† Evidence, pp. 30, 68,

‡ Ibid. p. 36,

* 54 Geo. III. cap. 50.

† Ibid.

against illicit distillation;—to oblige every man to become an informer against his neighbour, and to devote himself to the extirpation of that offence against the revenue. Such a system falls with peculiar hardship upon the landed proprietors, who, from their situation, can know little about the proceedings of the actual delinquents, and who really have it not in their power to repress the evil by any exertions of their own, or any influence they can use over their tenantry. A tenant does not forfeit his lease, because he has distilled without license; and, even where he has no lease, the process of ejectment is not only difficult, but the tenant, in many instances, can defy his landlord; as, from a well known league among the lower classes of Ireland, no man will dare to occupy the room of a tenant who has been turned out for what, in their opinion, was an inadequate cause. What the landed gentlemen could do, they appear to have done,—by the publication of resolutions,—by giving active assistance to the revenue officers,—by prohibiting the use of illegal spirits,—and refusing to renew leases to those of their tenants who have been concerned in distillation. Yet, notwithstanding all these exertions, enormous fines are imposed upon their estates, and they are deprived, in many instances, of their rents, by the seizure of the only funds out of which they can be paid.

But without speaking of the hardship to which a particular class is subjected, we must say, that the whole scheme of these statutes is unconstitutional and unjust. What can be said in defence of a system, which would transform all the inhabitants of the country into concurrents of excise officers, and which would oblige gentlemen, farmers and labourers, under ruinous penalties, to desert their usual occupations—to forsake the amusements and the business of their lives—to abandon the work which may be necessary for the subsistence of their families, in order that they may assist in the collection of the revenue? Nothing can be more certain than that, without an exclusive devotion of their time, they would be incapable of accomplishing, in any degree, the ultimate object of these laws. Even then, they would not entirely succeed; but, though success were the consequence of their exertions, they never can be required to ensure it by the sacrifice of what is most valuable in life. We must say too, that we cannot consider, without horror, this system of extorting information. We should be shocked, in any circumstances, at a measure which must spread so much jealousy and distrust among the population; but to those who are acquainted with the habits of the Irish, the consequences must appear unusually mischievous. 'There is one respect' (says Mr. Chichester) 'in which the system of fining districts is irreparably pernicious to the morals of the lower classes; and that is, the obligation which it imposes upon each man to become an informer against his neighbour. However honourable and necessary it may be to make open discoveries in cases of felony, nobody will maintain, that a peasantry can be improved by a habit of giving petty informations against their friends; of spurning the most obvious maxims of social life, and violating the common principles of honour. Of all the nations on earth, the Irish are the most unlikely to become informers. Their great fault is, a criminal fidelity to each other. Acting on a false principle of benevolence, they would at any time risk their lives to conceal a thief or a murderer, and are taught from their infancy to believe, that all sins are pardonable except that of giving information, even in aid of justice; consequently, a law which compels them to make discoveries on their neighbours, for offences apparently venial, is totally unfit for them; being founded on ignorance of their manners and dispositions, and therefore opposed to the most common axioms of legislation.' p. 18.

But, leaving the principle of these laws, which we have no room to discuss more at large, we must now give our readers some idea of the manner in which they are carried into execution—extracting a few passages almost at random from Mr. Chichester's first letter. We have great confidence in the accuracy of that gentleman's reports. Where the same point is touched, he is confirmed by the Minutes of Evidence in 1816; and we think he has successfully answered the objections that have been made to his statements by the author of the Observations.

'Some of the districts which were visited with the severest punishments were those which, though unimpeached for illicit distillation, had admitted cattle belonging to town-lands that had been subjected to fines. This offence, however, it was impossible to avoid, as the whole barony of Innishowen is unenclosed, and every man is exposed to the incursions of his neighbour's cattle.

'The unrelenting manner in which the law was exercised, induced some compassionate landlords to pay the fines for their tenants, rather than witness the plunder of so many innocent people. One gentleman (Mr. Robert Young of Culdaff) became responsible for 2000l., as the only means of sparing himself the distress of seeing the destruction of his tenants. The benevolence, however, of those gentlemen proved fruitless, for the excisemen soon demanded new contributions on new pretences; inasmuch, that it would have been impossible to have satisfied the impending requisitions by means of the produce of the soil, unless it had been composed of gold dust. Mr. Young even took his sons from the University, that they might suppress illicit distillation on his estate; and they have been compelled, almost ever since that time, to endure fatigue, cold, and watching, for the purpose of controlling their tenantry; and to employ, as their assistants, a large corps of yeomanry at their own expense. Yet notwithstanding all these exertions, and their seizure of nearly an hundred private stills, the illicit trade exists on that estate, and affords a practical commentary on my assertion, respecting the impossibility of restraining clandestine distillers, by compelling landlords to declare war against their tenants. The Board of Excise, however, made no remission of the fines levied on Mr. Young's property, notwithstanding his endeavours to save them; and they enforced with rigour the two thousand pounds for which he was under an engagement.

'Mr. Alexander Stewart of Airds, representative in Parliament for the county of Londonderry, (but a resident in the neighbouring county of Donegal,) used the most energetic means as a landlord, to intimidate his tenants from engaging in illicit distilleries, and ejected several of them, to the great detriment of his means of assisting his friends who might be candidates for the representation of the county of Donegal. These decided measures proved inefficient; and, in the year 1815, parts of his estate were fined for private distilleries. An inoffensive man, one of his tenants, who had been compelled to pay a fine, incurred by others, determined to try how far fortune would assist him in recovering, by legal proceedings, the amount of the penalty so cruelly levied on him; but that fickle goddess favoured his adversaries, and caused him to fail in his suit.' p. 38.

'The following circumstance, which occurred in the year 1815, is an instance, which will corroborate my opinion of the injustice of punishing landlords for the faults of their tenants. Major Ball and Captain Charleton of the 85th regiment returned to Ireland from the United States of America, after having served in the gallant army which captured the metropolis,—the former afflicted with a dangerous intermittent, the latter severely wounded. Both these gentlemen possessed properties in Innishowen; but when they visited them on their arrival, they found that they were in debt for Still fines, to nearly as great an amount as could have been procured by their sale. Here then is a proof of the inefficiency of the fining system; as no advocate for Revenue tyranny can presume to assert, that private distillation was patronized by these distinguished officers of a gallant regiment, while they were subduing our implacable enemies on the other side of the Atlantic Ocean, and avenging the wrongs of their country.' p. 44.

'When cattle were seized for Still fines, they were usually driven by the Excisemen to a pound at the village of Carndonagh in Innishowen: in that place they were stowed for some time previous to their removal to Londonderry, a distance of twenty miles. While they were kept at Carndonagh, their owners frequently attended at the pound, in hopes of being permitted to feed them; and, on such occasions, most distressing scenes frequently took place. Mothers, with their perishing children in their arms, supplicating the sentinels for permission to give them a little milk from their own cows: the infants also bewailing their unmerited sufferings, and importuning their distracted parents for sustenance, which it was impossible to give them. The military employed in this dreadful duty, frequently appeared affected, and some times gave a part of their daily pay to mitigate the bitter sorrows which they witnessed. But such humanity was vain; for devastations extended over too wide a range to admit of individual assistance.

'In June 1816, Mr. Stewart of Airds, (the same gentleman who used so much energy in dissuading his tenantry from illicit distillation), was subjected to the hardship of the Excise Laws, while attending his Parliamentary duty in London. His cattle were seized and driven away for the payment of a Still fine, and would have been maltreated, sold, or killed, had he not possessed friends, who preserved them. The collector of the fines refused to release them on any terms, except ready money; and exacted the sum of twenty-four pounds from his family, with as much strictness as if Mr. Stewart had been an unlicensed distiller.' p. 61.

'Mr. Henry Alexander, formerly a member of the House of Commons, and Chairman of the Committee of Ways and Means, has, during the last fifteen years, expended large sums of money in reclaiming waste lands in Innishowen. After contending against many difficulties, he had succeeded in converting a sterile waste into profitable soil, and displaying to the natives the effects of taste, industry and science. The surrounding country had begun to feel the benefit of increased produce, and to derive improved habits from his example: The money, also, which he had caused to circulate among the neighbouring poor, had increased their comforts, and excited their exertions. This gentleman is now serving his country as chief Secretary to the Government of the Cape of Good Hope, and dwells about six thousand miles from the scene of all offences against the Irish Excise Laws; but he, even thus situated, could not escape punishment. The cattle which were grazing on the land thus rescued from sterility, were seized, and sold by auction, notwithstanding many earnest and authentic representations made to the persons who thus exacted the payment of a Still fine imposed on him for an offence committed in an opposite hemisphere.' p. 63.

What will be thought of such statements as the following, when it is reflected that a clergyman and a magistrate, of unimpeachable character, has publicly pledged his name to their truth, and demands open enquiry.

'In September 1815, John Doherty, a very poor man, resident in Innishowen, was visited by the collector of Still fines, who was attended by a strong military force. They commenced by depriving the unhappy man of his cattle and household furniture, they next carried off his grain which he had just sown, and took from him even the smallest implements of husbandry belonging to his little farm. After this, they seized the wearing apparel of his family, not excepting their shoes and stockings, and finished that act of the tragedy, by robbing his little children of their clothes. After they had thus got possession of all the cottage contained, they tore its doors away, and burned them in presence of the weeping family, in order that they might cook their dinner, consisting of provisions forcibly obtained at their cottage. Some poultry, however, still remained, which had not been observed at first, and these the soldiers killed and put in their knapsacks, that they might feast upon them, when they arrived at their quarters. This unfortunate man and his family immediately became dependent on the charity of their neighbours, in consequence of the sufferings of that day.' p. 46.

This case does not stand alone. It would be extremely easy, from these pamphlets, and from the Minutes of Evidence before the House of Commons, to produce a thousand instances of the misery occasioned to the tenantry and peasantry by the levy of these Still fines. But we have said enough to ensure the attention of every one who feels for the interests of Ireland; and our limits do not allow us to exhibit the subject in detail. It is impossible, however, not to advert to the consequences of this system upon the morals and habits of the people, to whom these laws will be found even more pernicious than to their fortunes. They have not failed to produce all the disastrous effects which might have been expected from a scene of plunder

carried on by legal agents, and under sanction of law. In speaking of this part of the subject, Mr. Chichester does little more than sum up what will be found a great length in the Evidence before the House; and says nothing that does not seem to be fully authorized by the testimony of all the most intelligent and respectable witnesses who were examined.

'The country gentlemen,' says he, 'are still well affected, and would sacrifice their lives and estates for the preservation of the Constitution; but the injuries experienced by the peasantry, have alienated their minds from every thing that good subjects and good Christians ought to respect. Law is odious to them; and religion perverted. Their governors they consider as their tyrants; and the most necessary regulations of civil society are detested by them, as the mandates of despotism, or the chains of slavery.'

'The peculiar circumstances of Ireland have caused her people to be undervalued by the happier nations of Christian Europe. Though endowed with generous hearts and brilliant talents, contingencies have produced in them a susceptibility of false impressions, of which the emissaries of Jacobinism would eagerly take advantage. The unhappy state of the peasants of the north-west of that country is an inference obvious to all who are aware of their arts; and the crimes of the populace unhappily confirm the justice of such a conclusion. The state of irritability into which they have been driven by such means, ought to have been considered previously to enacting any law of unprecedented severity; for the levying of exorbitant Still fines off such a peasantry, is little less than the application of a torch to a magazine of powder.' p. 66.

'Next to the felonious spirit which has been raised by revenue oppressions in Innishowen and other parts of Donegal, the most deplorable consequence is an utter indifference with respect to the observance of oaths. This crime has unhappily been too general in Ireland, ever since the Rebellion in the year 1798; but its prevalence is particularly notorious in the districts which have suffered under Excise exactions. In those places, the inhabitants, when driven to distress, have often entered into the most awful contracts to cease from illicit distillation, on condition of exemption from the remaining fines which were impending over them. These contracts they have often confirmed by solemn and unequivocal oaths; but, as soon as they had disarmed suspicion by the sanctity of their engagements, they generally recommenced the exercise of their abjured trade.

'Previously to the late severe inflictions of revenue punishment of the inhabitants of the remote parts of the barony of Innishowen, afforded a prospect of gradual, religious, and moral improvement. Many of them had caught, with an eager grasp, at the advantages offered to them by the Association for Discouraging Vice, and the Hibernian Sunday School Society. In some of the parishes, even those which are the most addicted to smuggling, the peasantry had frequently contributed small sums towards the maintenance of schools for the poor. The children had almost all learned to read and the greater number of the cottages possessed either a Bible or Testament, exclusive of various other improving books: In many instances, parents had begun to receive the light reflected from the minds of their children, and to indulge a laudable pride in hearing them lip the praises, or repeat the commands of their Creator and Redeemer. But the Board of Excise, by exciting the spirit of revenge, and aggravating the effects of famine, have dissipated all these flattering visions of future civilization. Many of the innocent tongues which afforded such delightful expectations, are now mute in the grave, in consequence of famine and its attendant diseases; for, as I have already stated, the seizure of cows deprived children of their chief support. The malignant sentiments of human nature have now taken place of the benevolent; and the peasantry have discontinued the sums formerly contributed by them for education.

'In those places where churches and glebe houses are required, the same cruel cause prohibits improvement. The liberal loans which Parliament has authorized for their erection or restoration, have proved useless, the clergy being unable to secure even the interest of the money so advanced, in consequence of the general devastation; for when the inhabitants are unable to support their lives, they deem such expences extraordinary and unnecessary. By the late inordinate levy of Still fines, every thing good appears to have been annihilated, and every thing bad promoted.' p. 90.

After what we have just seen, it may be edifying to follow this Town-land fining system into the Courts of Justice, and observe the caution with which the penalties are sometimes imposed. Sir John Stewart,* after stating that he knew many instances of fines, where the inhabitants must have been ignorant of the offence, as where a man had dropt a Still, or some part of it, in a Town-land, and explaining that the costs of suit precluded the poor from making any defence, goes on to inform the House.—'At the last Assizes held at Lifford, I believe four days were allowed for the whole business of the county. By the law, all these informations have precedence, and must be tried before any thing else. There were five hundred and ninety-three informations for Still fines to be tried. After sitting a good while, one of the Grand Jury came into the Jury-room, and said, the Judge had tried them at the rate of one a minute. His words were, "He knocked them off at the rate of one a minute;" and they went on in that manner till the Grand Jury remonstrated, and stated, that the gaol could hold no more.' We are at a loss which to admire most—the law, or the way in which it is administered. This is by no means a solitary instance.

We have no room, however, for further extracts; and must refer any one who is anxious to acquire a more exact knowledge of the subject, to the sources of information we have pointed out. There is another feature of the system, however, which cannot be passed over in silence. It appears scarcely possible to execute the laws in question without the aid of the soldiery. That the people should oppose every obstacle to their execution, is but too natural a consequence of the opinions they entertain of them, and of the despair to which they are driven by the unrelenting levy of the fines. They consider themselves engaged in warfare with Government; and resort to all means of fraud and violence, to disappoint its officers and agents. They concert signals by which to intimate through the district a gauger's approach,

because their innocence, affording them no protection, they cannot escape the punishment of presumed guilt, but by giving the illegal distiller warning to carry off the materials of his manufacture, so that nothing may be found to subject their town-land or parish to a fine. They proceed to greater extremities. There are instances of cattle being slaughtered to prevent their falling into the hands of the Excise; and they even resist, by open violence, the execution of the law, to an extent which could scarcely be credited. No levy of fines can be made without the co-operation of the military; and if the collector venture to leave his escort but at a short distance, his life is inevitably in danger. This is no idle parade.—The parties are attacked;—they must often overcome by arms the opposition of the peasantry; and must sometimes fight for their own safety. More than once, considerable detachments have been surrounded in the mountains,—the passes have been occupied, and the means of retreat cut off,—and the troops forced to retire under a disgraceful capitulation, and the abandonment of their seizures. This frightful scene is exhibited wherever the exertions of the Excise make themselves to be felt in the levy of the Town-land fines.

We are very far from justifying this popular resistance to the officers of law; but it is impossible to deny, that there is a great deal to palliate it. The guilt of illicit distillation itself is not very obvious to a rude and ignorant people. It is not one of those crimes which human nature regards with an instant and instinctive abhorrence. To discern its criminality requires some knowledge of the relations of civil society—a clear perception of the injury done to the fair trader—of the necessity of enforcing the duties which supply the public revenue—and of the demoralisation which inevitably results from addiction to illicit traffic. Still, however, the lowest classes may be made to see the propriety of chastising, even with severity, the actual delinquent: But they never can be brought to understand, why a whole country should be involved in a common presumption of guilt; the innocent, and perhaps the deserving, find no advantage in their character; and a peasant, with his family, is reduced to beggary, because a crime has been committed, far from his dwelling, without his accession, probably without his knowledge. Ruinous penalties so inflicted, have in them more of the blindness of vengeance, than the sober discrimination of justice, and exhibit, especially to uneducated eyes, the proceedings of a capricious and arbitrary master, not the wholesome correction of a parent. The people may be undisciplined, and easily excited to disaffection: But then, the more it is indispensable that the cause for which Government arrays herself in terror should be visibly the right, and that her reason and her equity should be conspicuous even in her sternest mood. Nothing can vindicate measures which gave more than a colourable ground of discontent, and engender sentiments that destroy the peace, and menace the existence of society. Nor is the effect of such scenes on the army to be forgotten. They cannot be engaged in a more odious service than the enforcement of these fines. It familiarizes them with an image of the worst parts of war,—of plunder and pillage,—and renders them habitual and callous instruments of the sufferings of their countrymen.—But this is a topic which we should regret to think needed any comment.

The only semblance of justice the Town-land fining system shows, is allowing to the persons on whom the penalty has been levied, recourse against the actual offender. This, however, is but a mockery in practice. The costs of suit, and the difficulty of conviction, of themselves abridge the remedy. But, in truth, it cannot exist at all; for the illicit distiller is generally of the lowest order, without any visible estate, whose funds are secreted, and commonly dissipated by his profligate habits, except what may be required for the continuance of his trade. Look to the fact. Can it be imagined, that all the illicit distillers in Ireland could repay the 350,000*l.* imposed during seven years?

Exhausted as the finances of this country are, we still think there are higher considerations than treasure; and would hazard an opinion, that no gain on the score of revenue could compensate the mischiefs that experience has shown to be inseparable from these enactments. But what shall we say, when we discover, to crown all, that the system of penalty and terror has had no decisive success? In some districts which are overrun with excise-officers and soldiers, and where the gentry and yeomanry scour the country in search of Still and distillers, illicit distillation, though seldom entirely subdued, is very much suppressed. Where the vigilance of the officers, however, is relaxed, or where the army is not present, it continues with unabated vigour; and in some places it seems to brave the law, and continue active, amidst the misery and desolation of those tracts which have most suffered under the exaction of the fines. Mr. Chichester, in his First Letter, page 93, says—

'The mountainous parts of Ireland attest the truth of this assertion, especially the county of Donegal, which seems to have been made the field of trial between the Board of Excise and the illicit distillers. I appeal to every inhabitant of that county to declare, whether they ever witnessed so much unlicensed spirits conveyed along the public roads, or knew of so many unlicensed distilleries as exist at the present moment; and if, in some small districts, the practice has suffered a momentary depression, the smothered fire bursts out with increased force in their vicinity.' In his Second Letter he adds, 'That such a system has been unsuccessful in the county of Donegal, is evident to any person who knows that, during the last two years, fines have been incurred by the several town-lands in that county to the amount of 30,000*l.*; notwithstanding that the Board of Excise had nearly destroyed some parts of that county by their previous severity in the levy of them. And be it remembered, that, in the last month, at the assizes, fines were imposed, for recent offences against the distillery laws, exceeding the sum of 9000*l.*—a circumstance sufficient, I should think, to silence the clamours of all those misinformed merchants and interested excisemen, who demand the continuance of cruelty,

It is by no means difficult to explain these effects. By giving one half of the fine to the excise-officers informing, the law, far from ensuring the active fulfilment of his duty, exposes him to almost irresistible temptations to fraud. It is in evidence, * that officers having 60*l.* of salary make between 500*l.* and 1000*l.* a year, of seizures and premiums, and would be reduced to their salaries were illicit distillation repressed. Persons in their situation have seldom such virtue and disinterestedness, that we should expect them, from mere conscience to destroy the source of such uncommon profit; † and the Irish guineers seem to be by no means of proof quality, but to fall below the ordinary standard of Excise. Their interest and duty are thus too directly at variance, to make it doubtful which should ultimately prevail; and there is too much reason to believe, that the officers often connive at the continuance of the trade, and make their seizures, less with the view of eradicating the evils, than of procuring the imposition of fines. It is not for their advantage to banish the illicit distiller, from whose punishment they reap comparatively little emolument, but to preserve him to a certain extent, and make him the occasion of pecuniary penalties, to be levied from the landholders. That there has been very great misconduct, and wilful encouragement of illicit distillation, on the part of the Excise-officers, is certainly the general opinion expressed by the gentlemen examined before the House, and abundantly probable from many facts which they attest.

But the system is palpably inefficient in another view. It does not remove the temptation to the crime. It is impossible that the exertions necessary to repress illegal distillation can be made, at once, over every part of the country. Where the officers and the military are present and active, it may be checked, or driven to other districts in which their absence or relaxation afford greater facility; but it is self-evident, that, if it were put down to-morrow, it would revive next day, unless the means of its repression were kept in full strength and operation. This is a radical and incurable defect of the town-land system, independently altogether of the other objections to its efficacy.

The true remedies of reducing the duty, and encouraging the small capitalists to engage in the manufacture of spirits, have never been adequately tried. There seems to have been some intention of making the experiment in 1812 and 1813; but the measures were very deficient, and the trial was greatly too short. The Excise seem to have been seized with a fit of impatience, and to have thought it unworthy of their dignity to yield any thing to the habits of the people, or to allow, what has since been clearly demonstrated, that they were unequal to the forcible repression of the evil. The experiment, however, should be made again, upon a better matured plan, and a larger period allowed for the fair display of its effects. It is, or ought to be, plain, that the present system of things cannot continue. The suspensions by statute in 1810, and the occasional suspensions by the Executive of Ireland, proceeded very much from the impossibility of executing the law. But what greater censure can there be, than is implied in that fact? This leads us to mention a circumstance, which furnishes a striking comment on all that we have said. In 1816, the people were reduced to such despair by the levy of these fines, that they obtained from gathering in their crop or digging their potatoes, from an apprehension that they would be seized for Still fines; and the Board of Excise, to prevent famine, were forced to issue a proclamation, (see App. No. 4, p. 121 of First Letter), 'declaring that the collection of fines was suspended for a month, and that, after that period, they would not be levied from corn or potatoes.' We are told this promise was not exactly kept; but it is of little consequence. We can, with difficulty, figure the state of the country which required it to be made.

After what we have described, it is not wonderful to find Mr. Chichester conclude with these remarks.

'I may perhaps appear very absurd, if I confess that I had rather the revenue should perish than that the present Irish distillery system should become general and permanent; yet, as the ultimate object of all revenue is the security of individuals, it is fair to doubt whether it might not be better to trust to voluntary contribution, than to fill our treasury by unprovoked aggressions on life and property. I have avoided the recital of many abuses and crimes; partly from a reluctance to trespass longer on your attention, and partly from a persuasion that those which I have related will be considered sufficient specimens of our sufferings to move your compassion. In this my attempt at their exposure, I acknowledge that I labour under an obvious disadvantage, which is the *incredibility of my statements*; for the British nation is unused to such oppressions, and will therefore deem them too improbable to merit belief. I am well aware of the hazard which is generally incurred, by trusting to unsupported assertions in any case; and I, therefore, do not demand credit for my own, while they are unassisted by concurrent testimony. All that I request is inquiry; and, as contradiction appears to be the only means of confuting me, I earnestly wish that it may be resorted to, provided that I shall be permitted to produce my proofs. I grant that my testimony is that of an angry witness; for I am provoked by the sight of cruelty, as well as indignant at the disappointment of my expectations. I had indulged a hope that my parishioners would become gradually enlightened; and I find this prospect suddenly darkened by the most useless provocations and unjustifiable oppressions. Unhappily, I have had too many opportunities of ascertaining the truth of what I relate; for it has been my lot to reside in the midst of the disastrous scenes which I describe.' p. 109.

We have now done—except that we would add a word or two about the publications from which we have quoted so largely. Mr. Chichester, we understand, is a Magistrate and Clergyman of very great respectability, who

has distinguished himself by his active and intrepid exertions in the suppression of illicit distillation. He has the best means of knowledge; and has not failed to avail himself of the information of others, and to support his statements by a reference to the evidence of those gentlemen who were examined before the Committee of the House in 1816. He writes with force and clearness; though he sometimes presumes too much on his readers' acquaintance with the subject, and is not always sufficiently careful to guard his meaning against cavil, as well as misapprehension. His First Letter is full of excellent spirit, and, we think, judicious remarks. He may be sometimes carried too far by the ingenious indignation he feels at the misery he has witnessed; but that can scarcely be blamed, and should not detract from the value of his testimony, where he speaks from actual observation: His general reasonings must be judged of by themselves.

As for the 'Observations,' we have little to say. They are a pert answer by an officer of excise, who has not been wanting in zeal for the honour of the Board. They have been, for the most part, sufficiently refuted by Mr. Chichester in his Second Letter; and the inaccuracies which may have escaped him, leave the great merits of the question just where they were. Into the details of the controversy we have neither space nor inclination to follow them. Mr. Chichester has certainly been in error, in ascribing to the Excise officers the *levy of the fines*, at a time when it was entrusted to the Barony constables. They were at all times, however, equally interested in the exaction of the fines; and the duty has latterly been placed in their hands, to ensure its more rigorous and inflexible discharge. But, in truth, this point is quite immaterial. Mr. Chichester probably has not much misrepresented the revenue officers; but he has been most unreasonably lenient to their superiors at the Board, and to the Government in general. They are the capital transgressors, in comparison with whom the wretched agents of their misrule are unworthy of animadversion. Charity forbids us to suppose, that they have known the calamities without number which have flowed from their perverse policy; and yet their ignorance is little less excusable than their obstinacy. We trust they may have candour to read the judgment of experience, and resolution to retrace their steps: At all events, we shall not repent a very honest endeavour to awaken the country to the importance of the subject, and to the necessity of investigating it without prejudice, and in earnest.

Mr. Kean.

From some of the English Papers of the end of April last, it appears that this celebrated Actor has incurred the displeasure of a considerable portion of the public. His conduct towards Mr. Bucke, author of a tragedy called *The Italians*, (which Mr. Kean pronounced to be "*the very worst of the bad*,") is commented on with strong disapprobation; but he has still many friends who labour with no trifling degree of zeal and no feeble efforts of vociferation, in his favor.

In a letter addressed to Mr. Kean by the *Champion*, a London Paper under date of the 26th April, he is informed as follows:—"Your real offence against the public is this; that, by an assumption and narrow jealousy, as hostile to the full development of your own great talents as to the genuine gratification of the lovers of the Drama, you have overstepped that candour, that generosity of feeling, and that equable spirit which we yet believe to be native to your heart, and which upon any other occasion, where the suggestions of a mistaken vanity had not interfered, no doubt you would have freely exercised:—and further, that, not satisfied with pre-eminence, you have aimed at a *monopoly* of reputation, and mistaking the prompting of this isolating presumption for the acumen of critical discrimination, you have banished in reality the legitimate Drama from the theatre where your reign, reducing all novelty within the limits of the monodrame, and rendering the representation of our standard tragedies (even those of the immortal Shakespeare himself) almost ridiculous, by the immeasurable distances of faculty and deportment between the first and the secondary characters. We do not accord with those who malignantly pretend that your talents are of that subordinate description which can shine only by the avoidance of competition. We believe you to be capable of a practical reputation of this calumny; but we hold it to be a debt imperiously due to your own reputation that you should refute it; to court, not to shun, comparison with the best performers of both sexes that can be brought in contact with you, to seek and to impart the genuine fire of emulation. We believe that the want of such spurs "*to prick the sides of your intent*," has been the exclusive cause why you have at best been stationary, if not rather on the decline, as an Actor, during the greater part of the time that you have been on the London boards. We would add a word or two on your arrogant assumption of the critical veto; but we have only time to remind you that every Roscius is not necessarily a Longinus, that Garrick himself was but an indifferent judge of literary merit, and sometimes was partial to the worst, and doubtful of the best. To judge of a play, and to act one, are, in reality very different talents; and, at any rate, the duty of an Actor is to make the most he can of every character he represents, and not, if he thinks it bad, to render it actually so by a negligent or contemptuous performance."

We observe that *full prices* (Boxes 7 shillings, &c.) have been resumed at Drury Lane, and that if the houses were not fuller, they were certainly not emptier, than usual. It would appear, indeed, (and this may be worth the notice of the Chowringhee Managers) that the reduced prices never brought a single additional visitor to the Theatre:—at least not to the Boxes.

* Minutes of Evidence, p. 37. *et alibi*.

† See Report of Commissioners in 1807, and other documents referred to by Mr. Chichester, in his Second Letter, p. 12. &c.

Anecdote of the Author of the Revenge.

To the Editor of the Calcutta Journal.

SIR, While the "REVENGE" is still fresh in the minds of your readers, the following anecdote of its Author may not prove unacceptable.

When Dr. Young's Tragedy of the *Brothers*, was first put in rehearsal at Drury-lane, it was supposed to be superior to his *Revenge*, and great hopes were entertained of its success. When the piece was read, Miss Bellamy, the Actress, objected to a line which she imagined came with but an ill grace from the mouth of a Lady; even from so high sighted a one as the Princess Irexine.—This was the sentence.

—"I will speak to you in thunder."

Upon the objection being made, the Author replied, that he thought it the most forcible line in the piece. To which Miss B. answered that it would be much more so, if he joined *lightning* to it. Hearing this, he began to wax warm; declaring that the performance was the best he had ever wrote. Miss B. replied "I fear, Doctor, I shall lose your favor in the same manner as Gil Blas, upon a similar occasion, did that of the Bishop of Toledo, and I cannot help reminding you of a Tragedy called the *Revenge*." The Doctor was thrown into the most extravagant passion, which Miss B. perceiving, went up to him, and taking him by the hand, requested that he would not forgive her, for what she had said, but that he would likewise recall to his memory those divine precepts he had promulgated in his *Night Thoughts*, lest, by thus giving way to such immature anger, he should convince us, that even he only knew and gave us the *theory*, without being master of the *practical part*. The Doctor thanked her cordially for the rebuke; and striding two or three times across the room, apparently in as much distress as we may suppose Jephtha to have been, when he carried into execution his rash vow; he took his pen, and to the astonishment of all present struck, out the line which had occasioned the contest.

I am, Mr. Editor, Your obedient servant,

Calcutta, Oct. 20, 1819.

A READER OF OLD BOOKS.

Irregular Cavalry.

To the Editor of the Asiatic Journal.

SIR,

The conduct of the corps of Irregular Cavalry which were taken into the service during the late Marhatta war, (under Lord Lake) was such as I conceived would effectually prevent any corps of the kind being ever formed again for military purposes: but from various causes, unnecessary here to notice, and the changes in government, these events appear now to be nearly forgotten, except among those who were actively employed during the late war. It may therefore be rendering a useful service to government and to the Honourable Company, to rescue from oblivion some of those affairs, at least so far as to prove the inexpediency and waste of public money occasioned by the forming of corps of irregular cavalry; and as I gave in to Lord Wellesley, a little before the breaking out of the late war, the first plan for raising a corps of irregular horse, it appears to be particularly incumbent on me to bring forward such information as my subsequent experience has enabled me to acquire.

The principle upon which I took the liberty of recommending the formation of corps of irregular cavalry was perfectly well understood by Lord Wellesley. General Perron had in his service in the Doab, under the command of Captain Fleury, upwards of six thousand irregular horse, better mounted and equipped than any corps of that kind in the service of natives usually are. Scindia, the Nagpore Rajah, Holkur, Ambagee, and other Marhatta chiefs, had in their pay, at that time, from one hundred and fifty to two hundred thousand irregular horse of various descriptions; exclusive of these, the Jaats of Burtpore, Moorsan and Hattrass, had brought as feudatory chiefs, to the aid of Perron, from four to six thousand horse. To oppose all these there were but three regiments of dragoons and six native cavalry. Hence it became necessary to form a few irregular corps from the inhabitants of Oude, the Doab, and Rohilcund, then in the service of Marhattas, partly to support and make up for the deficiency of numbers of the regular cavalry, and partly to destroy the confidence of the Marhatta chiefs in these troops, which were then chiefly composed of the inhabitants of our provinces and Oude: and these objects were completely effected.

The first time our cavalry had an opportunity of coming in contact with that of the enemy was on the 29th August 1803. General Perron's cavalry, with the Jaat auxiliaries, were drawn up behind a jael (a morass) in the vicinity of Alyghur: but although three or four times more numerous, they fled upon the advance of our regulars, taking shelter under the guns of Alyghur; and in the night, the Jaat horse returned to their homes, and Perron with his cavalry fled to Muttra.

A few days afterwards they (Perron's cavalry) made a feeble attack on a detachment of Sepoys stationed at Shekoabad; but on the appearance of a regiment of dragoons and two of native cavalry they dispersed, General Perron with his body guard, and Captain Fleury having in the mean time surrendered to Lord Lake. The wreck of this cavalry corps afterwards came over to the British camp, and were formed into a corps under the command of Captain Lucan; and Captain Skinner (both officers had been in the Marhatta service) got the command of a corps about this time: also Captain Gardiner, who had come over from the Jeypore service towards the

middle of the year 1804. Colonel Monson was left on the Jeypore frontier, in command of five battalions of Sepoys; three thousand irregular horse under Captain Lucan and a Corps under Captain Gardiner; with this force the Colonel advanced beyond the Makundra Pass in pursuit of Holkur; but finding it necessary to retire, Lucan's corps was left in the rear to cover the retreat; and Lucan having been attacked, wounded, and taken prisoner, (he died of his wounds soon after,) his corps dispersed, and were no more heard of. In the retreat to Rampoor, Gardiner's corps of irregulars went off also.

When I joined Colonel Monson at Rampoorah, August 1804, there were then, of both corps, only about forty horse-men remaining. Colonel Monson continuing to move toward Agra, we were completely surrounded by the whole of Holkur's cavalry at Kooshalghor. Late in the evening, when we moved out to force our way through Holkur's parties, nearly the whole of my corps (of irregulars) abandoned me; and Captain Gardiner, availing himself of the darkness of the night and his knowledge of the Jeypore country, escaped with the few horsemen that remained with him to Jeypoor, which he reached in safety.

In the following month of September, Holkur assembled the whole of his army between Deigh and Muttra, threatening a detachment posted at the latter place, under the command of ———; who deeming the post untenable, determined to retire to Agra, by a forced march (thirty-two miles). During this march three or four hundred men of Captain Skinner's corps, which formed part of our detachment, deserted; and as they went off plundered the baggage. This movement caused a considerable alarm in Holkur's camp, where an attack was expected, and not a man of his moved to interrupt the march. From the foregoing brief statement of facts, it is very evident, that corps of irregular cavalry are not to be depended upon; that whenever they are pressed by difficulty or danger, they will invariably abandon their posts, and at the moment too when their services are most particularly required.

The formation of the five corps of irregular cavalry which lately appeared in general orders, together with Captain Gardiner's corps, costs the Company upwards of twenty lacs of rupees per annum; a heavy sum for a useless corps. The men individually are as brave, and when plunder of magnitude is in view, as enterprising and desperate, as any other natives of Hindostan; but while the horses, arms and equipments are their own property, it is not rational to expect that they will act with that spirit, alacrity, and attachment to the service, which distinguish the regulars, who were trained up from their youth in their respective corps, and scarce know any other home. The regular corps, too, have the advantage of intelligent European officers; which every body knows to be the life and spring of all corps, but particularly of native corps in India. And are the savings to government arising from enlisting irregulars so great as to be balanced against the infinitely superior efficiency of smaller corps of cavalry disciplined according to European tactics? I trust no one will say, they are.

The regular corps, including the pay and allowances of the European Officers, stand government in about forty rupees per month for each individual; and the irregulars, about thirty per month each individual. In fact, the chief expence of the regular corps is the European Officers: take them away, and the pay of troopers (including native officers,) axes, grasscutters, expence of grain, purchase of horses, arms and accoutrements, &c. &c. will not, at an average, cost government twenty-five rupees per month for each individual horseman; but in proportion that you take away the European officers you take away efficiency of the corps. The twenty lacs of rupees expended upon this rabble of irregular cavalry would maintain four brigades or eight regiments of regular cavalry, upon the old establishment of seventy privates per troop; and that was the best and most efficient establishment we ever had; because the native commissioned and non-commissioned officers and privates bore a due proportion to each other; and the troops and squadrons were of the proper strength for manœuvring either on the parade or in the field.

The troops have lately been increased to one hundred and twelve privates per troop, without the addition of a single commissioned officer. This surely is adding to the numbers without adding to the efficiency: on the contrary, by making squadrons more unwieldy, departing from the due proportion of non-commissioned officers to privates, the real efficiency of the corps is diminished. The question now seems to be, Whether it is most advantageous to government to maintain eight regiments of regular cavalry duly organized (five hundred men in each) and capable of being brought to the highest state of discipline; or five corps of irregular horse (one thousand each), badly mounted and equipped, incapable of being brought to any tolerable state of discipline, and which from experience we have every reason to think will fail us, whenever brought to the test.

Out of nearly six thousand (a very small number compared to what has been raised since or taken into pay) cavalry now in our service, I will engage that five hundred sound horses, fit to mount a trooper, would not be selected by any committee of cavalry officers. In short, the only use which can be made of the irregular cavalry is to take those duties which would be injurious to the discipline of the regulars, viz. honorary escorts and orderlies for the residents at Delhi, Lucknow, and at Scindia's court, the judges of the Provincial and Zillah courts, the collectors of land revenue and for the police department. For these purposes they are well calculated; but to form a part of an efficient army against an enemy they are totally unfit, as experience has repeatedly proved.

A BENGAL CAVALRY OFFICER.

Nilgherry Mountains.

(From Original Communications to the Oriental Magazine for October, just published at Madras.)

FRAGMENT OF AN ORIGINAL TRANSLATION, MADE IN 1867, OF A WRITTEN ACCOUNT, GIVEN BY A NATIVE, OF THE INHABITANTS OF THE NILGHERRY MOUNTAINS.

(The first part of this Manuscript is lost)

with which charms they confidently retire to certain parts of the habitable hill, and there spend their days fearless of evils. For this act of favor, the hill-people, each of them, allow the Goorgul or Priest, an annual present of an ax, a hatchet, and a cloth; which, if they neglect to do, they never fail of experiencing the Goorgul's displeasure—since, in case of any ingratitude on the part of these people, he would, as it is feared, instigate the tigers to hurt them.

The Priest Visuwer, visits the principals of the hill-people once a year, when the articles of fee above-mentioned, are presented to him;—and, before he leaves them, he gives them a little sand or dirt, after having recited some prayers or incantations, which the hill-people carefully use in strewing before them, when they want to go into or stop in any part of the forest,—this they say has the virtue of protecting them from the tigers, &c. The hill-people are ignorant of any art by which to defend themselves—they look to the Goorgul for protection.

A hill-man's hunger is reported to be such that he can eat up two measures of rice when boiled for a meal. If a man and woman of this race have a liking to each other, and they willingly go together and pull up an eatable root, or potatoe, they are considered as married.—They regard not the forms of paying any money, or making invitation to their friends on the occasion of marriage.

The Visuwer alone is entitled—(the paper does not say to what)—and he alone has the power of locking the jaws of the tiger, and of preserving the Punjah crop from being destroyed, by his conjury. When once the Visuwer makes use of his prayer in favour of the hill-people, they ramble about the forest part of the hills devoid of fear. The language spoken by the Visuwer and hill-people is a jargon of vulgar Tamil and Maliallom. Both men and women of these casts (Visuwer and hill-people) wear a kind of ornament in their ears, called *clay*.—The Visuwer cast is considered higher than the Cauder or hill-people. The women of the hill-tribe rub their body every evening with *Custory-munjil* and *Korenkelungoo*,* and afterwards bathe themselves.

In a part of the Annamalai hill, there is another small hill, called Kulyanakoodel; at the declivity of which hill, runs a small river, this in one place is covered by a part of the hill in the form of a house.—On the border of the water, the tracts of elephants, horses, men, and beasts, are clearly to be seen—at this place there is a Sawmy called Kulyanakoodel, where if any person or persons happen to halt for the night, the sound of various musical instruments, as well as the discharge of fire-arms, are heard, tho' nothing can be seen.—Several of the hill-people, and some peons, who happened to be lying down not far from this spot, have clearly heard the sound of all musical instruments and firing. To this Sawmy the hill-people make a monthly and early offering of rice, flour, &c.

By the miraculous virtue of this deity, and by the power of the Visuwer's prayers, the ferocious animals abounding in the forest of these hills, (such as, wild buffaloes, bears, tigers of all sorts, elks, deer, &c. elephants, wild hogs, &c.) never molest the hill-people when they go to the river.

The hill-women are of a brown and black colour—they let the front part of their hair fall over the forehead within a finger's breadth of the eyebrow, and tie up only what is in the crown of the head—they make use of combs, and decorate their head dress with some sorts of fine grass.—If a woman of the hill-people passes any time with a man she is fond of, it causes no jealousy in her husband—and he does not think himself injured by it.—Every ten men of the hill-people have a *Kottokarran*, or headman, and by his orders and decisions they implicitly abide.

The distance between the place of the hill-people's general residence, and the Annamalai mountains is four *couthams*, having two steep passes or ghauts, each a mile in length, to pass through, and the paths so very narrow as not to admit a horse or palankeen.—The hill-people say, that no such conveyances can be made use of, on account of there being several swamps on the hill, and therefore that none have been hitherto used by any person.

Repertee.

The following neat Repartee was made by a Lady, on a Gentleman who delighted in accusing Females:

'Tis said that we caused Man to grieve,
The jest is somewhat stale,
The Devil it was that tempted Eve;
And was not he a male?

* A kind of smelling saloon and root.

Spirituos Medicated Vapour Bath.

To the Editor of the Oriental Magazine and Indian Harbinger.

SIR,

Your Magazine being a better depository for an account of any discovery in Arts or Sciences, than the ephemeral columns of a News-paper, I am induced to call your attention and that of your readers, to a subject which has long engaged the serious consideration of all classes of society in this country.—Humanity shudders on looking back to the fatal progress of the dreadful Epidemic, which so long has desolated, and still continues its ravages throughout our Indian Empire, as well as the territories of our neighbours,—and examines, with deep anxiety, the various means hitherto proposed for the mitigation of this direful calamity.—To the exertions of various individuals, the public is deeply indebted—many have illustrated the obscure nature of the subject with zealous ardour, while others have laudably directed their attention to devise the means of arresting the progress of this devastation. Of all those meritorious individuals, none has conferred upon us so valuable a benefit as Dr. Dalton has done, by the happy invention of his Spirit Vapour Bath, the merit of which has been duly appreciated by the highest, as well as the most competent authorities here, and at Bengal. I could easily, Mr. Editor, mention numerous testimonies, that Dr. Dalton has received, public and private, of the efficacy and utility of his Vapour Bath, but out of delicacy to him, and the respect due to those by whom his successful labours have been properly estimated, I forbear to dwell upon the subject, however grateful it might be to myself and satisfactory to your readers.—Considering the patronage this useful and elegant invention has universally and justly acquired, it would ill become me to say any thing in recommendation of its merits. As a means of communicating heat to the living body, at once convenient, economical and efficacious, it certainly stands unrivalled. I shall therefore content myself with committing to your pages a formula (procured from the ingenious Inventor) for the preparation of the Spirit Vapour Bath, which possesses advantages over every other that has yet been published, and which is that now employed by Dr. Dalton himself, in cases of Spasmodic Cholera.

M.

Method of using the Medicated Vapour Bath.

Take a ratan or widely taped couch, about 2½ feet from the ground, and tightly surround the frame with a thick cumley valence or flounce, to reach or trail on the ground about 3 inches or more. Then cover the ratana with a blanket or cumley to reach over the sides of the couch a few inches, on which lay the patient, who must be covered lightly with a longer blanket or cumley, as a bed is covered with a counterpane. When this is done, take 2 metallic basons (each 10 inches broad and 1½ deep) and put half a pint of good ardent spirit into each, and in each bason place a metallic cup, (6½ inches high and 3 wide) with as much vinegar as will a quarter fill it, to which must be added 1 or 2 drachms of camphor dissolved in a little rectified spirits of wine, with a scruple also of opium if necessary. Then lift up the valence or flounce, and place the basons, with the tumblers or cups therein, under the couch at equal distance, and throw a small piece of lighted paper into each bason, when the spirits will immediately take fire; the flounce or valence must be replaced without delay, to prevent the escape of the heat; a vapor, which will in two or three minutes be so great as probably to render the removal of one of the basons expedient and necessary, as the heat of the vapour bath, duly prepared, is only known to those who have judiciously used and prepared it according to my directions.

JS. DALTON.

Historical Recollections for October.

- 1.—About this time the *Cholera Spasmodica*, first made its appearance at Madras 1818.
- 2.—(O. S.) A violent hurricane at Madras, which destroyed almost the whole of the French fleet and twenty ships of other nations, 1746.
- 3.—The Most Noble Chas. Marquis Cornwallis, died at Ghazepore, 1805.
- 4.—Mahratta war commenced, Pondicherry taken the second time, 1778.
- 5.—A dreadful storm at the mouth of the Ganges, where eight Indian men and several other vessels were destroyed, and about 30,000 people lost their lives by the inundation, 1736.
- 6.—Fort of Chandore taken 1804.
- 7.—Province of Cuttack taken 1803.
- 8.—The first Knights Commanders of the Bath in the Honorable Company's Service, were installed by the Earl of Moira, at Calcutta 1815.
- 9.—A violent storm at Madras, when almost all the ships in the roads laden with rice, were driven ashore, and a famine produced, by which 10,000 natives perished 1782.
- 10.—Bonaparte removed to St. Helena, 1815.
- 11.—The city of Burhampore surrendered, 1803.
- 12.—The city of Agra taken, 1803.
- 13.—A violent storm at Ongole and the adjacent country, 1800.
- 14.—Cochin taken, 1795.
- 15.—A storm at Madras, which continued for 14 hours with great violence; all the ships in the roads were destroyed, and almost every person on board perished, 1763.
- 16.—The fortress of Asseorghur taken, 1803.
- 17.—The ever memorable battle of Trafalgar and death of Lord Nelson, 1805.
- 18.—Dreadful storm at Madras, by which several ships were lost: the Charlotte from Bengal foundered and every soul on board perished, 1818.
- 19.—Fort of Galna taken 1804.
- 20.—The foundation stone of St. Mary's Church in Fort St. George, laid by Streyabam Master, Esq. then Governor, 1680.

Australian Poetry.

(From the Sydney Gazette, of June and July, 1819.)

Ode for the King's Birth-Day, 1819.

BY MR. MICHAEL ROBINSON.

Genius! rever'd in every clime,
Has triumph'd 'midst the spoils of time;
And still where Science lends a ray,
Maintains her proud ascendant sway.

ATHENS! in bright'ning days of yore,
When Genius sought her sheltering shore.—
Where erst the wand'ring Muses found
A refuge rear'd on classic ground.

ATHENS! to grace a rising Age,
Diffus'd Philosophy's bright page;
Whilst, in her consecrated fane,
Devotion breath'd celestial strains,
And Architecture's piles, sublime,
Brav'd the impairing hand of Time:—
Then Painting's magic pencil drew
Models—to rivall'd Nature true;
And, with the Sculptor's art, became
Immortal as the GRECIAN name;
And Poetry gave Fancy's flow'rs
To deck the Muses' sylvan bow'rs.—
There, by maturing sun-beams nourish'd,
The Sister Arts advanc'd and flourish'd;
Till after Ages rudely dar'd
Profane the reliques Time had spar'd,
And, sunk in gothic darkness, long
Was hush'd the minstrel's sacred song:—
But, as the stream whose native course,
Obstructed, swells its parent source,
Learning, with brighter lustre rose,
Freed from the grasp of ruthless foes;
And, shelter'd on a genial shore,
Reviv'd the germs of letter'd lore:
On ALBION'S Isle hail'd Wisdom's dawning ray,
And fix'd her triumph in our ALFRED'S day.

Thence, thro' the sacred paths of truth,
At once the charm and guide of youth,
Learning beheld her light divine
Thro' empires spread, thro' ages shine;
Till, as the proudest epocha of fame,
The Boast of BRITONS, rose the BRUNSWICK NAME?

GENIUS of ALBION! whilst this day
Awakes the Muses' favorite lay,
High let the grateful strains ascend
To hail thy MONARCH! PATRON! FRIEND!
And let full Pæans swell around,
And distant shores prolong the sound;
And let historic records tell—
And, ah! let Memory fondly dwell
On scenes now veil'd in Time's dark gloom,
When rosy Health display'd its bloom;
When early Grace, with Truth combin'd,
Form'd the rich energies of mind;
When Arts, with added lustre shone,
And Science soar'd to new renown;
When His bright smile, like morning's ray,
Beam'd the proud guardian of their way;
Bade heroes on Discovery, brave
The perils of the distant wave;
And thro' untravers'd climes proclaim
The triumph of THY BRITISH NAME!

His fostering smile bade gallant COOKE explore
The frowning cliffs that guard Australia's shore;
And rescue from Obscurity's cold hand
The native promise of her genial land.

Time was, when yon repulsive mountain's brow,
Sullen o'erhung the craggy wastes below;
When the gigantic members of the wood
Had long in venerable silence stood;
Save, when the gathering gloom the storm foretold,
And in dread peals the rumbling thunder roll'd;
Save, when the sea-bird, with discordant scream
And pointed pinions, skim'd across the stream;
Or when the crank canoe, which Nature gave,

Bore its squat inmates o'er the murmuring wave,
Intent the sunny wanderers to ensnare;
Or dart with dextrous aim the quivering spear:
Till with wild shouts their glittering spoils they bore
To the scorched surface of the wilder'd shore;
Where to rude circles, huddled on the ground,
The mangled fragments circulated round.

Time was—! Now brighter prospects rise to view,
And where the dark fantastic forest grew,
Aspiring structures meet the wond'ring eye,
Trophies of Art, of Taste, and Industry;
And where in idle course revolv'd the tide,
Commerce beholds her busy vessels ride;
Whilst Genius, cherish'd by a PATRON'S smile;
Sees Learning's radiance gild Australia's Isle;
And her rude race of sable tribes receive
The purest light Philanthropy can give.
Oh! happy BRITAIN! whilst this godlike plan
Exalts the FOUNDER, and endears the MAN!
Cements in human breasts those kindred ties
That spring from Nature's sweetest sympathies,
Guides the poor wanderer thro' the devious way,
And points the path that leads to REALMS OF DAY;
Shelters with pious care the houseless child,—
The low-inhabitor of woodlands wild;
And teaches pliant Infancy to find
The charm of INTELLECT, the pow'r of MIND.

Oh! whilst this charge descends in trust divine,
And future ages trace the grand design;
When social tribes shall cling to Reason's light,
And Man, once civiliz'd, with Man unite;
Then shall the proud historic page proclaim
The brightest æra of Australia's fame;

WHEN PATRIOT VIRTUE TO HER GUARDIAN GAVE
THE HAND TO SUCCOUR—AND THE HEART TO SAVE!

New South Wales, June 4, 1819.

TO THE FULL MOON.

Composed at 10 P. M. 8th June, 1819, at Sea, near the Coast of New Holland.

BY DR. L. H. HALLORAN.

"Nox erat; et Calo fulgebat Luna serena!"

QUEEN of the Night, whose orb serene
Thro' liquid æther calmly floats;
By Her is thy mild radiance seen
On whom my heart with fondness dote

Oh! at this hour, when Nature sleeps,
And want and Misery seek repose,
Thy hapless votary wakes and weeps,
Nor finds an opiate for his woes!

His wife, his babes, his distant home,
Still on his tortur'd fancy rush:
He views around the billow foam,
And tears of burning anguish gush!

Yet, 'midst the fever of his soul,
His heart's reflections never err;
But, as the magnet to the pole,
With trembling fondness turns to Her!

And—Do my ANNA'S pensive eyes
View thee with kindred thoughts to mine?
Ah! no:—From distant western skies
On Her meridian splendours shine!

Yet few the hours, and short the space,
Ere thy mild beams her eye shall cheer;
While in renewed diurnal race
The sun shall shed his fervors here!

Oh! could'st Thou, on thy silver sphere
Inscribed, this heart's emotions bear;
Its yearning hope—its anxious fear—
Its fond regard—its tender care.

Could'st Thou, sweet planet! fair and calm,
To Her its faithful love disclose,
'Twould yield her suffering heart a balm
To read *even what so well she knows!*

But, no! his heart thou can'st not show,
Still changing in thy nightly range,
Whose love, whose truth, in joy or woe,
In life or death, can never change!